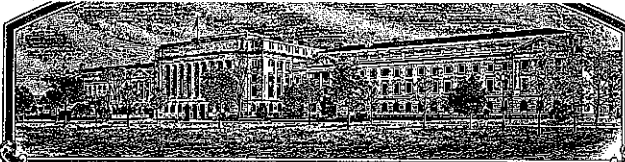


No.

200200025



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Western Plant Breeders, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

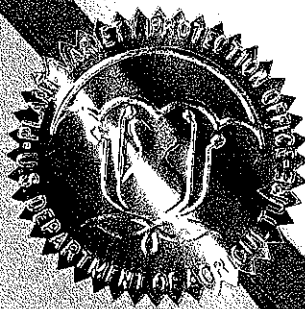
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Eldon'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eighteen day of April, in the year two thousand two.

Attest:

Almy

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Greman

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

1. NAME OF OWNER Western Plant Breeders, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME YU993-68		3. VARIETY NAME Eldon	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 8111 Timberline Drive Bozeman, MT 59718		5. TELEPHONE (include area code) 406-587-1218		FOR OFFICIAL USE ONLY PVPO NUMBER 200200025	
6. FAX (include area code) 406-586-8247		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Arizona	
9. DATE OF INCORPORATION Aug. 24, 1990		FILING DATE November 1, 2001		FILING AND EXAMINATION FEES: \$ 2705.00 DATE 11/19/2001 CERTIFICATION FEE: \$ 320.00 DATE 3/7/02	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Kim C. Shantz Western Plant Breeders, Inc. P.O. Box 6904 Yuma, AZ 85366					
11. TELEPHONE (include area code) 928-782-2749		12. FAX (include area code) 928-782-2751		13. E-MAIL kshantz@westbred.com	
14. CROP KIND (Common Name) Wheat		15. GENUS AND SPECIES NAME OF CROP Triticum aestivum		16. FAMILY NAME (Botanical) Poaceae	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Disinfectant c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) <i>milling & Baking data</i> e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			
19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE NUMBER 1,2,3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			
23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER <i>Kim C. Shantz</i>		SIGNATURE OF OWNER <i>DR Biggerstaff</i>			
NAME (Please print or type) Kim C. Shantz		NAME (Please print or type) Dan R. Biggerstaff			
CAPACITY OR TITLE Wheat Breeder		DATE 10/23/2001		CAPACITY OR TITLE V.P./General Manager	
DATE 10/30/2001					

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use asking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

EM

- 3a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 3b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 3c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 3d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 3e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
4. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
5. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
6. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

7. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

8. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

November 16, 2000, United States of America
Certified seed sold by Barkley Seed Company

9. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089. <http://www.ams.usda.gov/isg/seed/is-ed.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-6410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

'ELDON'
Hard Red Spring Wheat

18.a. Exhibit A. Origin and Breeding History

'Eldon' (Experimental designation: YU993-68) is a hard red spring wheat that originated from the cross 'Yecora Rojo'/Red River 68', which was made near Maricopa, Arizona in 1991 by Western Plant Breeders. The breeding selection method was a single-head descent modified pedigree. The F₁ plants were grown near Bozeman, MT. in the summer of 1991 and the F₂ seed was bulk harvested. The F₂ seed was planted near Maricopa, AZ. in 1991. Selected single F₂ spikes were harvested in May 1992, threshed in bulk and the F₃ seed was planted near Bozeman, MT. Individual spikes were harvested in September, 1992 and planted as F₄ spike rows near Maricopa, AZ. in November 1992. The final selection was made in May, 1993 from one plant in the F₄ row and was increased near Bozeman, MT, in the summer 1993. The resulting F₅ plot was designated YU993-68 and harvested in bulk. Analysis of percent protein, protein quality (SDS sedimentation test) and test weights were conducted prior to advancing 'YU993-68' to yield trials. The F₆ through F₁₂ were yield tested in Arizona and/or California from 1994 through 2000 in Western Plant Breeder's yield trials. 'Eldon' was selected for high protein, high sedimentation values, good bread making characteristics (see Table 2.), as well for acceptable agronomic traits (see Table 1.) Agronomic traits evaluated included grain yield, disease resistance, plant height, test weight, heading date and lodging tolerance.

Thirty-two spikes were selected from the F₈ generation in 1996 and grown as spike rows near Yuma, AZ. in 1997. Twenty-four identical and uniform rows were selected and grown as spike row plots near Bozeman, MT. in 1997. These spike row plots were bulked together and used to plant two acres in Brawley, California in the fall of 1997. This production was harvested in May 1998 and designated 'Breeders' seed. This seed was used to plant approximately 40 acres near Hanford, California in the fall 1998. This production was harvested in the spring of 1999 and designated 'Foundation' seed. Foundation seed was planted in the fall of 1999 to produce 'Registered' seed. Certified seed of Eldon was first offered for sale November 16, 2000.

A variant that is similar to "Eldon" but is 6 to 10 inches taller, occurs at a frequency of up to .1% (10 per 10,000 plants) and a white seeded variant occurs at a frequency of up to .1%. (10 per 10,000 seeds) Otherwise, 'Eldon' is a stable and uniform variety in appearance and performance across several generations (F₆-F₁₂) and growing conditions.

“Eldon”
Hard Red Spring Wheat

18.b. Exhibit B. Statement of Distinctness

‘Eldon’ is most similar to the variety ‘Express’, however, ‘Eldon’ heads 7 days earlier than ‘Express’. (114 vs. 121 days, respectively from planting)

The above comparison along with the complete Objective Description (Exhibit C) show ‘Eldon’ to be a novel variety of hard red spring wheat.

Table 1. Agronomic characteristics of Eldon compared to check varieties in Western Plant Breeders’ trials 1994-2000
(average of 17 locations)

<u>ENTRY</u>	Yield lbs/a	T.W. lbs/bu	Protein %	SED mm	Plt Ht inches	Lodging %	Heading Days From 3/1	Leaf Rust Ratings (0-9)*	Stripe Rust Ratings (0-9)*
‘Eldon’	6452	63.3	13.9	111	38.6	21	24	2.4	3.8
Brooks	6823	63.4	13.5	108	34.8	30	24	2.0	2.8
Express	6495	62.8	13.7	101	38.7	28	31	1.0	1.5
Yecora Rojo	6511	63.1	13.8	109	33.2	24	23	5.0	1.6

*(1-9) where 9 is the most severely infected

EXHIBIT B. Statement of Distinctness

Supportive Data/ Statistics

Test Used: t-test

DAYS TO HEADING AFTER PLANTING

Year	Location	Plant Date	Harvest Date	Number of Comparisons Paired	Mean days to head after planting		Standard Deviation		T Value	Probability Value
					Eldon	Express	Eldon	Express		
1995	Maricopa, AZ	11/26	5/30	3	114.6	121	.58	1.0	-19.0	.001
1996	Maricopa, AZ	11/24	6/1	3	114.6	121.6	.58	.58	-12.1	.01
1997	Yuma, AZ	11/26	5/28	3	114.3	121.7	.58	.58	-22.0	.001
1998	Yuma, AZ	12/1	5/27	5	113.8	120.6	.45	.55	-18.2	.001
2001	Welton, AZ	12/3	5/28	3	110.6	117.3	.58	.58	-20.0	.001

REPRODUCE LOCALLY. Include form number and date on all reproductions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT C
(Wheat)**

**OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* spp.)**

NAME OF APPLICANT(S) Western Plant Breeders, Inc.	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or RD No., City, State, and Zip Code) 8111 Timberline Drive Bozeman, MT 59718	PVPO NUMBER
	VARIETY NAME Eldon
	TEMPORARY OR EXPERIMENTAL DESIGNATION

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g. or) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common

2=Durum

3=Club

4=Other (SPECIFY): _____

2. VERNALIZATION:

1=Spring

2=Winter

3=Other (SPECIFY): _____

3. COLEOPTILE ANTHOCYANIN:

1=Absent

2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate

2=Semi-erect

3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green

2 = Green

3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect

2 = Recurved

1 = Not Twisted

2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than

Express

Number of Days Later Than

Yecora Rojo

not
1-30-2002

6

8. ANTHOCYANIN COLOR:

☐ 1

1 = Yellow

2 = Purple

9. PLANT HEIGHT (from soil to top of head, excluding awns):

☐ 10

cm Taller Than

Brooks

☐ 00

cm Shorter Than

Express

* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

☐ 1

1 = Absent

2 = Present

B. WAXY BLOOM

☐ 2

1 = Absent

2 = Present

C. HAIRINESS (last internode of rachis)

☐ 2

1 = Absent

2 = Present

D. INTERNODE (SPECIFY NUMBER)

☐ 1

1 = Hollow

2 = Semi-solid

3 = Solid

E. PEDUNCLE

☐ 1Erect
1 = AbsentRecurved
2 = Present

3 = semi-erect

☐ 37

cm Length

11. HEAD (at Maturity):

A. DENSITY

☐ 1

1 = Lax

2 = Middense

3 = Dense

B. SHAPE

☐ 2

1 = Tapering

2 = Strap

3 = Clavate

4 = Other (SPECIFY):

C. CURVATURE

☐ 1

1 = Erect

2 = Inclined

3 = Recurved

D. AWNEDNESS

☐ 4

1 = Awnless

2 = Apically Awnletted

3 = Awnletted

4 = Awned

12. GLUMES (at Maturity):

A. COLOR

☐ 1

1 = White

2 = Tan

3 = Other (SPECIFY):

C. BEAK

☐ 3

1 = Obtuse

2 = Acute

3 = Acuminate

B. SHOULDER

☐ 3

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

D. LENGTH

☐ 3

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

12. GLUMES (at Maturity) Continued:

E. WIDTH

☒ 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm)
3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

☒ 1 = Ovate 2 = Oval 3 = Elliptical

B. CHEEK

☐ 1 = Rounded 2 = Angular

E. Color

☒ 1 = White 2 = Amber 3 = Red
4 = OTHER (Specify)

F. TEXTURE

☐ 1 = Hard 2 = Soft

C. BRUSH

☒ 1 = Short 2 = Medium 3 = Long

☐ 1 = Not Collared 2 = Collared

D. CREASE

☐ 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

☐ 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

G. PHENOL REACTION (see instructions):

☒ 1 = Ivory 2 = Fawn
3 = Light Brown 4 = Dark Brown
5 = Black

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

☐ Stem Rust (*Puccinia graminis* f. sp. *tritici*)

☒ Leaf Rust (*Puccinia recondita* f. sp. *tritici*)

☐ Stripe Rust (*Puccinia striiformis*)

☐ Loose Smut (*Ustilago tritici*)

☐ Tan Spot (*Pyrenophora tritici-repentis*)

☐ Flag Smut (*Urocystis agropyri*)

☐ Halo Spot (*Selenophoma donacis*)

☐ Common Bunt (*Tilletia tritici* or *T. laevis*)

☐ *Septoria nodorum* (Glume Blotch)

☐ Dwarf Bunt (*Tilletia controversa*)

☐ *Septoria avenae* (Speckled Leaf Disease)

☐ Karnal Bunt (*Tilletia indica*)

☐ *Septoria tritici* (Speckled Leaf Blotch)

☐ Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*)

☐ Scab (*Fusarium* spp.)

☐ "Snow Molds"

14. Disease (Continued) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> "Black Point" (Kernel Smudge) | <input type="checkbox"/> Common Root Rot (<i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input type="checkbox"/> Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input type="checkbox"/> Soilborne Mosaic Virus (SBMV) | <input type="checkbox"/> Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>) |
| <input type="checkbox"/> Wheat Yellow (Spindle Streak) Mosaic Virus | <input type="checkbox"/> Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input type="checkbox"/> Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

- | | |
|------------------------------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Hessian Fly (<i>Mayetiola destructor</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Russian Aphid (<i>Diuraphis noxia</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Greenbug (<i>Schizaphis graminum</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Aphids | <input type="checkbox"/> Other (SPECIFY) |

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS

Table 2. End use quality of Eldon*
(Average of 5 tests)

Trait	Eldon	Brooks
Protein	13.9%	13.6%
Flour Extraction	72.5%	73.7%
Wet Gluten	34.6%	33.1%
Farinograph Absorption	69.5%	66.0%
Arrival	3.6 min.	3.8 min.
Mixing Tolerance	14.9 min.	13.9 min.
Loaf Volume	956 ccm.	894 ccm
Bake Score**	4.4	3.4

* Analysis performed by the California Wheat Commission

** Subjective rating of overall bake including crumb grain texture

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-001

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Western Plant Breeders, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER YU993-68	3. VARIETY NAME Eldon
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 8111 Timberline Drive Bozeman, MT 59718		5. TELEPHONE (include area code) 406-587-1218	6. FAX (include area code) 406-586-8247
		7. PVPO NUMBER	

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?
If no, give name of country

☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?
☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?
☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (If needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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